

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
1:09-cv-054**

**HOLLY P. OXNER, JR. and FORREST )  
EUGENE WEAVER, Both Individually )  
and on Behalf of All Similarly Affected )  
Retired and/or Active Police Officers of )  
the City of Asheville, )**

**Plaintiffs, )**

**vs. )**

**ORDER**

**JEFFREY RICHARDSON, Assistant )  
City Manager of the City of Asheville; )  
LISA ROTH, Director of Human )  
Resources of the City of Asheville; and )  
THE CITY OF ASHEVILLE, )**

**Defendants. )**

**THIS MATTER** is before the Court on the Joint Report on Settlement Activity and Joint Motion for Hearing to Approve Settlement. Dkt. No. 54. The Court conducted a hearing to approve the settlement on August 28, 2012.

On February 29, 2012, the Court entered an Order approving and authorizing the proposed settlement, and finding the proposed settlement to be fair, reasonable, and adequate. Dkt. No. 53. The Order also required Defendant City of Asheville to undertake certain activities by specific deadlines to fulfill the terms of the proposed settlement. *Id.* The Court now finds that Defendant City of Asheville satisfactorily met all of the deadlines and completed all of the activities required by the February 29, 2012 Order. Dkt. No. 54 ¶¶ 2-16.

Accordingly, the Court finds that the settlement covering the class certified under Fed. R. Civ. P. 23(b)(2), which includes “[a]ll persons who throughout the time complained of herein were or thereafter have been employed by the Defendant City of Asheville as classified police officers whose accrued vested sick leave retirement benefits have been or presently are subject to retroactive reduction, adjustment and diminishment as a result of the actions taken by the Defendants herein”, is fair, reasonable, and adequate. The Court hereby **ORDERS** that the final settlement is **APPROVED**. The Clerk of Court shall enter a Judgement consistent with this Order.

**IT IS SO ORDERED.**

Signed: August 29, 2012

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

